App. F. IX-4

193 .
(Legis)

File No. 46-35

Previous References

Serial Nos. 189

RM.S-29 (43-44).

Letter References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos One

Part B for December

SUBJECT.

Form of Khatchalikea for Toll-gate Contracts

WD 0418—GPB—22,500—29-8-36

35

Forms of Mulchalika for Toll gate contracts 3597/P

General and Revenue Secretariat | Legis File No. 46 of 1935. | [App. F. III—2

Serial No.

H.

R

Re. Mulchalika for the toll gate contracts.

The form of notification for sale of the right to collect tolls has been revised and the revised form brought into use. The revised form mostly involves verbal & consequential changes in the old form. The changes made in the old form are shown in square brackets in the form herewith put up.

Two new clauses in the revised form relate to the (i) procedure to be followed by the Contractor & his servants may have to be required to appear in and the pulling in of lights etc during night.

The mulchalika refers to the form of conditions and not the contractor binds himself to observe these. In view of this no change is necessary in the mulchalika apart from the change from para 17 to 19 noted in the mulchalika itself. The prepaid form of mulchalika may with this change continue to be

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

2 — Form of muchalikas to be adopted 3559

File No. of 193 . General and Revenue Secretariat

vssd

Asst Secy Loan — K&R

for Secy on gles views) — 14/12/

In the muchalika form prescribed in the G O of 20th Febr 1931, the contractor binds himself to the conditions laid down in the sale notification. If therefore the reference ~~to para 18~~ in the muchalika to para 17 of the sale notification is changed to refer to para 19, I agree the present muchalika form may be used hereafter also.

Special officer) — MR 14/12

W-C)

The Deputy Commr. to see be informed accordingly

~~Issued vide P 3404 dt 17/12/35~~
~~to the DCs.~~

For appl

First Member) — K&R

Genl Secretary) — 17.12.35

GENERAL SECT.
14 DEC. 1935

For perusal

First Member) — K&R 19/12

OFFICE OF THE REVENUE BOARD
20 DEC. 1935

K&R

19/12

3597

Form of mutchalka has to be adopted

General and Revenue Secretariat — Legis File No. 46 of 193 . [App. F. III—2

Serial No.

Issued no p 3954-62 8/12-35 to the Dcs of Stating that the old mulchalikas forms as sanctioned in G.o no R. 4730-42 of 20.2.1934 may be adopted with certain modifications.

May This be [illegible]

3/2/37

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

[Note. The portions in square brackets [ ] represent the additions proposed]
SAR

FORM OF NOTIFICATION FOR THE SALE OF THE RIGHT OF COLLECTING TOLLS:-

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The right to collect tolls at the toll-gates as noted in Schedules A and B during the official year will be sold by public auction at the places and on the dates specified against each gate.

2. Every person intending to bid at the sale should deposit beforehand an amount equal to one-sixth of the contract amount for the previous year as shown in Schedule A, as earnest money. The deposits of all the bidders except the firs two or three whose bids are to be recommended for acceptance will be returned a the close of the sale. The deposit of t successful bidder, who will be called the contractor, will be returned only on fulfilment of the contract. The deposit of the remaining bidders will be returned soon after the confirmation of the sale.

3. The sale will not become absolute until confirmed by the authority noted in Schedule A, who reserves the final power of refusing or accepting, without assigni any reason whatever, the highest or any bi that may be offered.

4. The successful tenderer shall, within fifteen days of the receipt of intimation of confirmation of the sal in his favour, execute an agreement

a duly stamped paper binding himself and his heirs to observe the conditions -- thereinafter set forth and to be subject to the penalties, forfeitures and -- liabilities referred to therein and when he does not hold property in Mysore, shall furnish at least two securities who own sufficient property in the Mysore State for the due performance of the contract and, if he is a non-resident foreigner, he shall also be deemed to have agreed to submit himself to the jurisdiction of the Civil Courts in Mysore and to be bound by any decree, ex-parte or otherwise, that may be -- passed against him by such Courts for any sums due in respect of the contract amount.

5. The contract shall not be transferred by sale, gift or otherwise or sub-lease without the previous sanction of the Deputy Commissioner.

6. The contract amount shall be paid in 12 equal monthly instalments in advance on the first day of every month into the Taluk Office. The contractor shall also pay along with the instalments the authorised Local Railway and Educational Cesses, if any, at the prescribed rates.

7. Fees recovered from persons compounding the payment of toll at any one gate in accordance with Section 21 of the Road Traffic and Taxes Regulation and rules made thereunder shall be kept at the credit of the contractor and adjusted towards the last instalment or instalments as the case may be. The contractor shall not be entitled to a share of any composition fee other than that so levied under Section 21 of the Regulation in respect of the gate of which he holds the contract and in case the contract is for a shorter period than a year proportionately for the period for which he holds it.

8. Interest at 9 per cent per annum shall be levied on all over due amounts till the date of payment.

9. The amount due from the contractor or his sureties shall be recoverable as if they were arrears of land revenue under the provisions of the Land Revenue Regulation and the rules thereunder.

10. The contractor shall collect tolls only at the rates and at the toll-gates and on the traffic specified in Schedules A and B

11. The Contractor shall give to the person paying the toll a proper receipt showing the date and hour of payment of toll. It shall be obligatory on the part of the contractor to purchase at the price fixed any standard form of receipts which may be prescribed by the Board for the purpose.

12. The Contractor shall keep at the toll-gate true accounts of the daily collections and of the traffic passing through the toll-gate [in such form as the Deputy Commissioner or the Traffic Board may prescribe] These accounts shall be open to the inspection of the Deputy Commissioner, the Sub-Division Assistant Commissioner, the Amildar [and such other officers of the Traffic Board as may be authorised by the Board in this behalf]. He shall, if required by the Deputy Commissioner furnish to the Taluk Office [or the office of the Board at the end of every month, a true return for the month showing the traffic passing through the gate in a prescribed form]

13. The Contractor will have the use of the existing toll house and gate without payment of any rent, and he should keep them in good repair, failing which the cost of repair will be recovered from the Contractor

14. The Contractor shall not be entitled to any remission of the contract amount or to any compensation on account of seasonal conditions [or ob exemptions] from payment of tolls or reduction or modification in rate made by the Government in exercise of powers under Section 22 of the Road Traffic and Taxes Regulation or any other cause whatever]

15. The Contractor and his employees shall always behave courteously towards the travelling public and shall not harass them or give them trouble of any kind and the cont^r shall maintain at the toll-gate a book, wherein travellers may record complaints, and forward true extracts thereof once a week to the Amildar.

[16. The Contractor or his employees while on duty at toll-gates shall appear in clean dress or in any uniform which the Board may prescribe.]

[17 The contractor shall arrange for a clear red light such as may be prescribed by the Board to be put up on the gates during the night ~~times~~ to give adequate warning to approaching vehicles.] 18 The contractor shall conform generally to the provisions of the Road Traffic and Taxes Regulation and of the rules, orders, notices etc., issued thereunder. He shall recognize all -- exemptions made by the statute or rules in force for the time being. He shall pay special attention to the points mentioned in Schedule C.

19. Any breach of the above conditions or rules on the part of the Contractor or his servants will entail the forfeiture of the deposit or the levy of a fine not exceeding Rs.50/- for each infringement If the fine be not paid or in the event instalments or other sums due not being

paid within the prescribed date, it shall be competent to the Deputy Commissioner to suspend further collection of toll by the Contractor and dispose of the right to collect the toll during the remaining -- period by a re-sale or otherwise. The re-sale will be held at the risk of the defaulting Contractor, who shall be liable to make good all losses accruing, but shall not be entitled to any profits arising from the re-sale.

Note.-- Sub-Division Assistant -- Commissioners [and the officers of the Traffic Board authorised by a notification of the Board in this behalf] are also empowered to punish the Contractor or his servants for any breach of the above conditions or rules either by the levy of fine or by a forfeiture of the deposit. But the power to suspend the collection of toll as well as the right to order its re-sale, shall be reserved to the Deputy Commissioner.

20. The imposition of fine or re-sale of the contract shall be no bar to the prosecution of the Contractor or his employees for any offence or to the institution of other legal steps against them under any law in force for the time being.

(21. Bidders shall abide by the conditions of the sale set out below which shall be deemed to form part of this - notification.

CONDITIONS OF SALE.

1. Persons intending to bid at the sale must attend in person or by a duly accredited agent.

2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount of the bid or as to the bidder, the right to collect tolls at the toll-gate concerned shall at once be again put up to auction.

3. The Officer conducting the sale shall not be bound to accept all bids as a matter of course; it shall be in his discretion to decline the acceptance of the highest bid or any bid whatever.

4. It shall be in the discretion of the Officer conducting the sale to adjourn it to a date and hour specified by him.

---::oOo::---

SCHEDULE A.

1. Name of Toll-gate or bridge.
2. Situation of the Gate.
3. Whether toll is to be levied on through traffic, incoming traffic, or outgoing traffic.
4. Traffic specially exempted from payment of toll on account of the peculiar situation of the toll-gate or the special requirements to the people near the toll-gate.
5. Amount of deposit required.
6. Place of sale.
7. Date of sale.
8. Officer conducting the sale.
9. Officer confirming the sale.
10. R e m a r k s.

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Schedule B.

Rate of Tolls

Schedule C

Rules for levy of tolls

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P 3954-62 General and Revenue Secretariat,

Dated Bangalore, 17th December 193[illegible]

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore.

To General Department.

The Deputy Commissioners of Districts.

SIR,

Re: Mutchalikas - Sales of Toll-gates.

In continuation of my letter No. P 3386-93 dated 2-11-35, I am directed to state that the form of Mutchalika approved in G. O. No. R.4730-42/R.E. 5-29-44 dated 20th February 1931 which is now in use is suitable and may be adopted in respect of future sales also. The only change that has to be made in this Mutchalika is that in Para 6, the para of the Sale Notification referred to should be 19 (and not 17as stated there) in accordance with the new form of sale notification.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- H. Rangachar,
for General Secretary to Government.

P 3963 of 1712-35

Copy of the above is forwarded with compliments, to the Revenue Commissioner in Mysore, Bangalore, for information, with reference to his letter No. C.2173/35-36 dated 14/16th Decr. 1935.

For General Secretary to Govt.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. R. 4730-42—R. M. 5-29-44, dated 20th February 1931.

Sale of the right of collecting tolls.

Issues an additional annexure to the revised form of notification for the —— published with G. O. No. R. 4355-66—R. M. 5-29-43, dated 3rd February 1931.

OFFICIAL MEMORANDUM.

No. R. 4730-42—R. M. 5-29-44, DATED 20TH FEBRUARY 1931.

It is hereby directed that the accompanying schedule and the form of the Mutchalika in Kannada to be taken from the Toll Contractor be read as an additional annexure to Government Order No. R. 4355-66—R. M. 5-29-43, dated the 3rd February 1931, conveying approval to the revised form of Notification for the sale of the right of collecting tolls at the toll-gates on State Fund Roads published at pages 48 and 49, Part I of the *Mysore Gazette*, dated the 12th February 1931.

By Order,

B. NARAYANASWAMY IYENGAR,

Secretary to Government,
Development Departments.

To—The Revenue Commissioner in Mysore.
The Chief Engineer of Mysore.
The Deputy Commissioners of Districts.
The Comptroller to Government.
The Compiler, *Mysore Gazette.*
The Government Advocate in Mysore.

PRESS TABLE.

Exd—P. S. R. N.

No. R. 4730-42—R. M. 5-29-44, dated 20th February 1931.

SCHEDULE C.

Rules relating to tolls on State Fund Roads as in force for the time being.

(*a*) A table of authorised tolls shall be legibly written in English and Kannada and shall be put up in a conspicuous place near the toll-gate, together with a copy of these rules.

(*b*) (1) No more than one payment of toll shall be demanded at any one toll bar, gate or station in respect of any carriage or cart in any one period of 24 hours.

(2) No toll should be levied at a frontier toll-gate in Mysore on any cart, etc., passing the gate if within a period of 24 hours a toll has been collected thereon at a British toll-gate in respect of which reciprocity has been obtained in consultation with the British authorities.

(*c*) Carts laden with manure or other substance used as manure, shall be exempt from payment of toll at all the interior toll-gates and shall pay at the rate prescribed for unladen carts at all frontier toll-gates; provided that no toll shall be levied on carts belonging to agriculturists residing within 5 miles of the toll-gates when such carts are carrying manure, implements, seeds, or agricultural produce to and from their fields and when they return unladen.

Note.—Any claim for exemption under this rule shall be supported by a certificate signed by the Patel or Chairman of the Village Panchayet of the village to which the cart belongs.

(*d*) No toll shall be levied on foot passengers.

(*e*) No toll shall be levied for the passage of troops, or military stores or equipages or of police officers in uniform on duty or of any person or property in their custody or of any property *bona fide* belonging to Government, the proof of which should be established by the production of a pass or certificate from any officer of the Department to which the property belongs, such officer being duly authorised by the Deputy Commissioner or by Government to grant such certificates or passes. Such pass or certificate should be delivered up at the last toll-gate passed by the cart, or carriage conveying such property before it reaches the destination noted in such or certificate.

(*f*) No toll shall be levied for the passage of carriages or carts, etc., at any toll-gate if they belong to a Local Board or Municipal Council, the proof of which is to be established by the production of a certificate signed by the President of such body or by such officer as may be authorised by the Government.

(*g*) No toll shall be levied for the passage or carriages or carts, etc., if—

(1) they belong to His Highness the Maharaja or His Highness the Yuvaraja;

(2) they belong to the Hon'ble the British Resident in Mysore and his staff, namely, the Secretary to the Resident, the Residency Surgeon and the Personal Assistant to the Resident

(3) they belong to the Dewān of Mysore;

(4) they are engaged by the Postal Department exclusively to carry mails;

(5) they belong to a person who has compounded with the proper authorities in accordance with the rules framed by Government

(6) they convey British or Mysore Military Officers on duty.

To entitle an officer to pass a toll-gate without payment as being "on duty" he must fulfil at least one of the following conditions:

(i) be travelling in a staff car;

(ii) wear uniform;

(iii) to be in possession of toll pass issued by Headquarters, Madras District or the Chief Commandant, Mysore State Troops, as the case may be.

(7) they belong to the Heads of Matts who hold a Rahadari issued by a competent authority;

(8) they belong to officers and subordinates of the Public Works Department below the grade of Executive Engineers who travel on duty within their jurisdiction.

(*h*) No toll shall be levied on any conveyances used for ambulance purposes.

No. R. 4730-42—R. M. 5-29-44, DATED 20TH FEBRUARY 1931.

192.....ನೇ ಇಸವಿ..... .....ತಿಂಗಳ ತಾರೀಖು..... .....ರಲ್ಲಿ.....
ಡಿಸ್ಟ್ರಿಕ್ಟ್..... .....ತಾಲ್ಲೂಕು..... .....ದಲ್ಲಿ ವಾಸವಾಗಿರುವ..... .....
ಮಗ..... ....ಬರೆದುಕೊಟ್ಟ ಮುಚ್ಚಳಿಕೆ
.....ಡಿಸ್ಟ್ರಿಕ್ಟ್.....ತಾಲ್ಲೂಕ್.....
.....ಟೋಲ್‌ಗೇಟಿನಲ್ಲಿ 19.....ಜುಲೈ 1ನೇ ತಾರೀಖಿನ ಲಾಗಾಯಿತು.....
ಜೂ 30ನೇ ತಾರೀಖಿನವರಿಗೆ ಸುಂಕವನ್ನು ವಸೂಲ್ ಮಾಡುವ ಹಕ್ಕನ್ನು ನಾನು ಚಡದರಖಾಸ್ತುಮೂಲಕ.....
ನೇ ಇಸವಿ.....ತಿಂಗಳು.....ತಾರೀಖಿನಲ್ಲಿ ನಡೆದ ಹರಾಜಿನಲ್ಲಿ.....ರೂಪಾಯಿಗಳಿಗೆ
ಪಡೆದು ಇರುವ ಮೆಹರ್‌ಬಾನ್ ಮೈಸೂರು ಕೀವೆಯ ರೆವಿನ್ಯೂ ಕಮಿಷನರ್ ಸಾಹೇಬರವರಿಂದ ಸಾದರಾದ ನಂಬರು.....
ತಾರೀಖು ಆರ್ಡರ್ ಮೇರೆಗೆ ಮಂಜೂರಾಗಿರುವುದು ಸರಿಮುಷ್ಟಿ.

ಮೇಲ್ಕಂಡಂತೆ ನಾನು ಕೊಡಲು ಒಪ್ಪಿಕೊಂಡಿರುವ ಚಡ ದರಖಾಸ್ತು ಮೊಬಲಗು ಮತ್ತು ಇದರ ಮೇಲೆ ರೂಪಾಯಿ ಬಂದಕ್ಕೆ ಬಂದಾಣಿಯಂತೆ ಸಲ್ಲಬೇಕಾಗಿರುವ ಲೋಕಲ್ ಸೆಸ್ಸು .....ಯಂತೆ ಆಗುವ ರೈಲ್ವೆ ಸೆಸ್ಸು ಮತ್ತು.....ಯಂತೆ ಆಗುವ ಎಜುಕೇಷ್ನ್ ಸೆಸ್ಸು ಸಹ ಸೇರಿಸಿ ಲೆಕ್ಕ ವಾಗುವ ಒಟ್ಟು ಮೊಬಲಗನ್ನು ಹರಾಜ್ ಇಸ್ತಿಹಾರ್ ಷರತ್ ಅನುಸರಿಸಿ.....ತಿಂಗಳ ಒಂದನೇ ತಾರೀಖು ಲಾಗಾಯಿತು 12 ಸಮಾಖಿಸ್ತು ಗಳಾಗಿ ಪ್ರತಿ ತಿಂಗಳ ಒಂದನೇ ತಾರೀಖಿನಲ್ಲಿ..... .....ತಾಲ್ಲೂಕು ಟ್ರೆಜರಿಗೆ ತಪ್ಪದೆ ಪಾವತಿ ಮಾಡಲು ಈ ಮೂಲಕ ಒಪ್ಪಿಕೊಂಡಿರುತ್ತೇನೆ.

ಯಾವ ಖಿನ್ನಾಗಲಿ ಮೇಲೆ ನಮೂದಿಸಿರುವಂತೆ ಸರ್ಕಾರದಲ್ಲಿ ಪಾವತಿ ಮಾಡಲು ತಪ್ಪಿದಲ್ಲಿ ಆ ರೀತಿ ತಪ್ಪಿದ ತಾರೀಖು ಲಾಗಾಯಿತು ಬಾಕಿ ನಿಲ್ಲಬಹುದಾದ ಮೊಬಲಗು ಮೇಲೆ ಕೇಕಡಾ ಸಾಲಿಯಾನಾ 9 ರೂಪಾಯಿಗಳಂತೆ ಬಡ್ಡಿ ಕೊಡಲು ಒಪ್ಪಿ ಕೊಂಡಿರುತ್ತೇನೆ.

ನಾನು ಮೇಲ್ಕಂಡಂತೆ ಹರಾಜಿನಲ್ಲಿ ಪಡೆದು ಇರುವ ಸುಂಕವನ್ನು ವಸೂಲು ಮಾಡುವ ಹಕ್ಕನ್ನು ಹಜರತ್ ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರ್ ಸಾಹೇಬರವರ ಬಾಹವ್ಮೂಲಕವಾದ ಅಪ್ಪಣೆ ಹೊರತು ಕ್ರಯ, ದಾನ, ಅಥವಾ ಒಳ ಕಂಟ್ರಾಕ್ಟು ಅಥವಾ ಇತರ ವಿಧವಾಗಿ ಪರಾಧೀನ ಮಾಡಲು ನನಗೆ ಹಕ್ಕು ಇರುವುದಿಲ್ಲ.

ವಿಷಯಗಳಲ್ಲಿ ಈ ಟೋಲ್‌ಗೇಟಿನಲ್ಲಿ ಸುಂಕವನ್ನು ವಸೂಲ್ ಮಾಡುವ ಹಕ್ಕಿಗೆ ಸಂಬಂಧಪಟ್ಟ..... ನಂಬರ್.....ತಾರೀಖಿನ ಹರಾಜು ಇಸ್ತಿಹಾರಿನಲ್ಲಿ ಕಂಡ ಷರತ್ತುಗಳಿಂದ ನಾನು ಮತ್ತು ನನ್ನ ಕಡೆಯವರು ಸಹ ಬದ್ಧರಾಗಿರುತ್ತೇನೆ. ಮತ್ತು ಸದರಿ ಇಸ್ತಿಹಾರಿನಲ್ಲಿ ಕಂಡ ಷರತ್ತುಗಳೆಲ್ಲಾ ಈ ಕರಾರಿನಲ್ಲಿ ನಮೂದಿಸಿರುವಂತೆ ಭಾವಿಸಲ್ಪಡತಕ್ಕದ್ದೆಂತಲೂ, ಸದರಿ ಷರತ್ತುಗಳು ಅಥವಾ ನಿಬಂಧನೆಗಳಿಂದ ನಾನು ಬದ್ಧನಾಗಿರುತ್ತೇನೆಂತಲೂ ಈ ಮೂಲಕ ಒಪ್ಪಿ ಕೊಂಡು ಇರುತ್ತೇನೆ.

6 ಮೇಲ್ಕಂಡ ಇಸ್ತಿಹಾರಿನಲ್ಲಿ ನಮೂದಿಸಿರುವ ಷರತ್ತುಗಳಿಗೆ ವ್ಯತಿರಿಕ್ತವಾಗಿ ನಾನಾಗಲೀ ನನ್ನ ಕಡೆಯವರಾಗಲೀ ನಡೆಯುವ ಸಂದರ್ಭದಲ್ಲಿ ಸದರಿ ಇಸ್ತಿಹಾರಿನಲ್ಲಿ 17ನೇ ಪ್ಯಾರಾದಲ್ಲಿ ಕಂಡಂತೆ ನಾನು ಈ ಕರಾರಿನ ಷರತ್ತುಗಳ ಮೇರೆಗೆ ನಡೆಯುವ ಖಾತ್ರಿ ಬಗ್ಗೆಯಾಗಿ ಸೆಕ್ಯೂರಿಟಿ ಡಿಪಾಜಿಟ್ ಆಗಿ ಇಟ್ಟಿರುವ ಮೊಬಲಗನ್ನು ಸರಕಾರಕ್ಕೆ ದಂಡವಾಗಿ ಕೇರಿಸಿಕೊಳ್ಳ ಬಹುದೆಂತಲೂ ಅಥವಾ ಅಂತ ಪ್ರತಿ ಬಂದು ತಪ್ಪು ನಡೆವಳಿಕೆ ಬಗ್ಗೆ 50 ರೂಪಾಯಿಗೆ ಮಿಗಾದ ಜುಲ್ಮಾನೆ ಮಾಡಿ ಸದರಿ ಜುಲ್ಮಾನೆ ಹಣವನ್ನು ಸದರಿ ಡಿಪಾಜಿಟ್ ಹಣದಿಂದ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳಲು ಸರಕಾರದವರು ಅಧಿಕಾರ ಉಳ್ಳವರಾಗಿರುತ್ತಾರೆಂತಲೂ ಈ ಮೂಲಕ ಒಪ್ಪಿಕೊಂಡು ಇರುತ್ತೇನೆ.

ಸದರಿ ಇಸ್ತಿಹಾರಿನಲ್ಲಿ ಕಂಡ ಷರತ್ತುಗಳಂತೆ ಸುಂಕವನ್ನು ವಸೂಲು ಮಾಡುವದಕ್ಕೂ, ಲೆಕ್ಕ ಪತ್ರಗಳನ್ನೂ ಇಡುವ ದಕ್ಕೂ ಮತ್ತು ಸರಕಾರದವರು ಲೆಖ್ಖ ಕೇಳಿದರೆ ತಕ್ಕ ಸಮಜಾಯಿಷಿ ಕೊಡುವದಕ್ಕೂ ಮತ್ತು ಇತರ ಎಲ್ಲಾ ವಿಷಯ ಗಳಲ್ಲಿಯೂ ಸದರಿ ಇಸ್ತಿಹಾರ್ ಷರತ್ ಯಾನೆ ನಿಬಂಧನೆಗಳಂತೆ ನಡೆಯುವದಕ್ಕೂ ಈ ಮೂಲಕ ಬದ್ಧನಾಗಿರುತ್ತೇನೆ ಕಂಟ್ರಾಕ್ಟ್‌ದಾರನಾದ ನಾನು ಮೈಸೂರು ದೇಶದವನಲ್ಲವಾದಾಗ್ಯೂ ಮತ್ತು ನನಗೆ ಮೈಸೂರು ದೇಶದಲ್ಲಿ ಯಾವ ಆಸ್ತಿಯೂ ಇಲ್ಲದೆ ಇದ್ದರೂ ಈ ಮುಚ್ಚಳಿಕೆಯ ಸಂಬಂಧವಾಗಿ ಸರಕಾರದವರು ನನ್ನ ಮೇಲೆ ದಾವಾ ಮಾಡಬೇಕಾದ ಸಂದರ್ಭ ಬದಗಿದಲ್ಲಿ ಈ ಕಂಟ್ರಾಕ್ಟಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಟೋಲ್‌ಗೇಟ್ ಇರುವ ಸ್ಥಳದ ಮೇಲೆ ಅಧಿಕಾರವಿರತಕ್ಕ ಕೋರ್ಟಿನಲ್ಲಿ ಅಂತಹ ದಾವೆಯನ್ನು ಮಾಡಬಹುದೆಂತಲೂ ಮತ್ತು ಸದರಿ ಕೋರ್ಟಿನವರು ಮತ್ತು ಈ ಸಂಬಂಧವಾಗಿ ಮೈಸೂರು ಕೀವೆಯ ಇತರ ಕೋರ್ಟಿನವರು ಕೊಡಬಹುದಾದ ಎಕ್ಸಿಕ್ಯೂಟ್ ಅಥವಾ ಇತರ ವಿಧವಾದ ಹೈಸಲು ಅಥವಾ ತೀರ್ಮಾನಗಳಿಂದ ನಾನು ಬದ್ಧನಾಗಿರುತ್ತೇನೆಂತಲೂ, ಅಂಥಹಾ ಕೋರ್ಟುಗಳ ಅಧಿಕಾರಕ್ಕೆ ನಾನು ಒಳಪಡತಕ್ಕವನೆಂತಲೂ ಸದರಿ ಕೋರ್ಟುಗಳಿಗೆ ನನ್ನ ಮೇಲೆ ಜುರಿಸ್‌ಡಿಕ್ಷನ್ ಇಲ್ಲವೆಂತ ತಕರಾರು ಮಾಡಲು ನನಗೆ ಹಕ್ಕು ಇರುವದಿಲ್ಲವೆಂತಲೂ ಸಹ ಈ ಮೂಲಕ ಒಪ್ಪಿಕೊಂಡು ಇರುತ್ತೇನೆ. ಎಂಬದಾಗಿ ಬರೆದುಕೊಟ್ಟ ಮುಚ್ಚಳಿಕೆ.

WD 1904—GPB—480—25-2-31.

S. O.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. R. 4355-66—R. M. 5-29-43, dated 3rd February 1931.

Sale of the right of collecting tolls.

Issues a revised form of notification for the ——.

READ—

Government Order No. R. 8729-40—R. M. 9-27-53, dated the 15th May 1928, passing orders on the Report of the Toll-Gates Committee prescribing the form of notification for the sale of the right of collecting tolls at the toll-gates on State Fund Roads.

2. Government Order No. R. 984-95—R. M. 5-29-41, dated 11th August 1930, directing the addition of a note to rule 17 of the rules under the notification referred to above.

ORDER No. R. 4355-66—R. M. 5-29-43, DATED 3RD FEBRUARY 1931.

The form of notification for the sale of the right of collecting tolls prescribed in the first order read above and added to in the second order has been found to be defective in certain respects. Government are therefore pleased to direct the issue of a revised form of notification as appended to this order.

B. NARAYANASWAMI IYENGAR,
Secretary to Government,
Development Departments.

To—The Revenue Commissioner in Mysore.
The Chief Engineer of Mysore.
The Deputy Commissioners of Districts.
The Comptroller to Government.
The Compiler, *Mysore Gazette.*
The Government Advocate in Mysore.
PRESS TABLE.

Exd—P.S.R.N.

NO. R. 4355-66—R. M. 5-29-43, DATED 3RD FEBRUARY 1931

ANNEXURE.

FORM OF NOTIFICATION FOR THE SALE OF THE RIGHT OF COLLECTING TOLLS.

The right to collect tolls at the toll-gates as noted in Schedules A and B during the official year will be sold by public auction at the places and on the dates specified against each gate.

2. Every person intending to bid at the sale should deposit beforehand an amount equal to one-sixth of the contract amount for the previous year as shown in Schedule A, as earnest money. The deposits of all the bidders except the first two or three whose bids are to be recommended for acceptance will be returned at the close of the sale. The deposit of the successful bidder, who will be called the contractor, will be returned only on fulfilment of the contract. The deposit of the remaining bidders will be returned soon after the confirmation of the sale.

3. The sale will not become absolute until confirmed by the authority noted in Schedule A, who reserves the final power of refusing or accepting without assigning any reason whatever the highest or any bid that may be offered.

4. The successful tenderer shall, within fifteen days of the receipt of intimation of confirmation of the sale in his favour, execute an agreement on a duly stamped paper, binding himself and his heirs to observe the conditions hereinafter set forth and to be subject to the penalties, forfeitures and liabilities referred to therein and when he does not hold property in Mysore, shall furnish at least two sureties who own sufficient property in the Mysore State for the due performance of the contract and if he is a non-resident foreigner he shall also be deemed to have agreed to submit himself to the jurisdiction of the Civil Courts in Mysore and to be bound by any decree, *ex-parte* or otherwise, that may be passed against him by such Courts for any sums due in respect of the contract amount.

5. The contract shall not be transferred by sale, gift or otherwise or sub-lease without the previous sanction of the Deputy Commissioner.

6. The contract amount shall be paid in 12 equal monthly instalments in advance on the first day of every month into the Tâluk Office. The contractor shall also pay along with the instalments the authorised Local Railway and Educational Cesses, if any, at the prescribed rates.

7. Fees recovered from persons compounding the payment of toll in accordance with standing rules and orders approved by Government shall be kept at the credit of the Contractor and adjusted towards the last instalment or instalments, as the case may be.

8. Interest at 9 per cent per annum shall be levied on all over due amounts till date of payment.

9. The amount due from the contractor or his sureties shall be recoverable as if they were arrears of land revenue under the provisions of the Land Revenue Regulation and the rules thereunder.

10. The contractor shall collect tolls only at the rates and the gates on the traffic specified in Schedules A and B.

11. The Contractor shall give to the person paying the toll a proper receipt showing the date and hour of payment of toll.

12. The Contractor shall keep at the toll-gate true accounts of the daily collections and of the traffic passing through the toll-gate. These accounts shall be open to the inspection of the Deputy Commissioner, the Sub-Division Assistant Commissioner and the Amildar. He shall, if required by the Deputy Commissioner, furnish to the Taluk Office at the end of every month, a true return for the month showing the traffic passing through the gate in a prescribed form.

13. The Contractor will have the use of the existing toll house and gate without payment of any rent, and he should keep them in good repair, failing which the cost of repair will be recovered from the Contractor.

14. The Contractor shall not be entitled to any remission of the contract amount or to any compensation on account of seasonal conditions or any other cause whatever.

15. The Contractor and his employees shall always behave courteously towards the travelling public and shall not harass them or give them trouble of any kind and he shall

maintain at the toll-gate a book, wherein travellers may record complaints, and forward true extracts thereof once a week to the Amildar.

16. The Contractor shall confirm generally to the rules published in the late Chief Commissioner's Notification No. 274, dated 4th November 1876 as revised from time to time. He shall recognize all exemptions made by the statute or rules in force for the time being. He shall pay special attention to the points mentioned in Schedule C.

17. Any breach of the above conditions or rules on the part of the Contractor or his servants will entail the forfeiture of the deposit or the levy of a fine not exceeding Rs. 50 for each infringement. If the fine be not paid or in the event of instalments or other sums due not being paid within the prescribed date, it shall be competent to the Deputy Commissioner to suspend further collection of toll by the Contractor and dispose of the right to collect the toll during the remaining period by a re-sale or otherwise. The re-sale will be held at the risk of the defaulting Contractor, who shall be liable to make good all losses accruing, but shall not be entitled to any profits arising from the re-sale.

Note.—Sub-Division Assistant Commissioners are also empowered to punish the Contractor or his servants for any breach of the above conditions or rules either by the levy of fine or by a forfeiture of the deposit. But the power to suspend the collection of toll as well as the right to order its re-sale, shall be reserved to the Deputy Commissioner.

18. The imposition of fine or re-sale of the contract shall be no bar to the prosecution of the Contractor or his employees for any offence or to the institution of other legal steps against them under any law in force for the time being.

19. Bidders shall abide by the conditions of the sale set out below which shall be deemed to form part of this notification.

CONDITIONS OF SALE.

1. Persons intending to bid at the sale must attend in person or by a duly accredited agent.

2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount of the bid or as to the bidder, the right to collect tolls at the toll-gate concerned shall at once be again put up to auction.

3. The Officer conducting the sale shall not be bound to accept all bids as a matter of course; it shall be in his discretion to decline the acceptance of the highest bid or any bid whatever.

4. It shall be in the discretion of the Officer conducting the sale to adjourn it to a date and hour specified by him.

SCHEDULE A.

1. Name of Tole-gate or bridge.
2. Situation of the Gate.
3. Whether toll is to be levied on through traffic, incoming traffic, or outgoing traffic.
4. Traffic specially exempted from payment of toll on account of the peculiar situation of the toll-gate or the special requirements to the people near the toll-gate.
5. Amount of deposit required.
6. Place of sale.
7. Date of sale.
8. Officer conducting the sale.
9. Officer confirming the sale.
10. Remarks.

SCHEDULE B.

Details of traffic.	Rate.

Here enter items and rates sanctioned for the toll-gate.

WD 1742—GPB—490—10-2-31

3595/P35

No. C.2173/35-36.

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE,

Dated Bangalore,..10.th.....December.....1935

2727/2

FROM

K.V. Anantaraman, Esq., B.A.,
Revenue Commissioner in Mysore.

To

M. Venkatanaranappa, Esq., B.A.,
Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.
Development Department,

Mutchalikas - sales of Toll-gates.

SIR,

In forwarding herewith a copy of letter No.A.2-C.1117/35-36 dated 4th December 1935, received from the Deputy Commissioner, Chitaldrug District, requesting that revised forms of mutchalikas may be sent to him etc., I have the honour to request you to be so good as to forward the same at an early date.

I have the honour to be,

Sir,

Your most obedient servant,

G. Rudrappa
Assistant Commissioner,
For Revenue Commissioner.
Absent from the station.

This may be sent to the Special Section (Prohibition Branch) for necessary action.

BR.

Prof. Br. Sec
M
13/12/35

Action has been taken on this subj.

13/12

Letter No.A.2-C.1117/35-36 dated 4th December 1935, from the Deputy Commissioner, Chitaldrug District, to the Revenue Commissioner in Mysore.

Subject:-- Sale of toll gates.

In continuation of this office No.A.2-C.1117/35-36 dated 19th November 1935 on the subject noted above, I have the honour to request you to send me the revised form of mutchalikas to be obtained from the contractors as stated in General Secretary's letter No.P.3093/ Legis. 45-35-1 dated 8th November 1935.

" C o p y "

G. Rudrappa
For Revenue Commissioner.

BR.

3655 P 35

No. D7.1688/35-36.
Enc.

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT.

Dated, Mysore, 14th December 1935.

FROM

B. T. KESAVAIENGAR Esq., B.A.,
DEPUTY COMMISSIONER, MYSORE DISTRICT,
MYSORE.

To

M. Venkatesa Iyengar, Esq., M.A.,
General
Secretary to the Government of Mysore,
Bangalore.

GENERAL SECTION
16 DEC. 1935

SIR,

Sale of the right of collecting Tolls at the Toll Gates in the Mysore District for the half year ending 30th June 1935.

=====

With reference to your Memo No.P.3094-3101 dated 7/8th November 1935 forwarding copy of your letter No.P.3093/Legis 45-35-1 of the same date to the Revenue Commissioner re the above I have the honor to state that the revised forms of Mutchalikas to be executed by contractors referred to in para 4 of the above letter have not yet been received and to request that the same may be caused to be sent at a very early date as the sales of this District have already been concluded.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Mysore District.

A.N.

Draft.

No. P3954-62 Bangalore,
17th Decr. 1935.

To

The Deputy Commissioners
of Districts.

Sirs,

Re: Mutchalikas - Sales of
Toll-gates.

In continuation of my letter No. P3862
dated 21.11.35, I am directed to
state that the form of Mutchalika ~~now in use~~ approved in G.O. No. R.4730-42/R.M.S-29-14 which is in use
dated 20th February 1931, is suitable and may
be adopted in respect of future sales also.
The only change that has to be made in the
Mutchalika is that in para 6, ~~The paragraph~~
~~referred to viz., 17 is to be changed~~ to
~~19~~ in accordance with the new form of
sale notification.

- the para of the sale notification referred to above

I have the honour to be
Sirs,
Your most obedient servant

General Secretary to Govt.

P3963 917-12-35

Copy of the above is forwarded with compliments, to the Revenue Commissioner in Mysore, Bangalore, for information, with reference to his letter No. C.2173/35-6 dated 14/16.12.35

General Secretary to Govt.